

REMARKS

Claims 1-13 are pending in this application. Claims 1-13 stand rejected. By this Amendment, claims 1 and 7 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made for clarification. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Paragraph 1 of the Office Action addresses the IDS filed on November 19, 2001. Applicant respectfully requests that the Examiner consider the references set forth therein. The IDS lists references which were previously cited or submitted in the parent application of the present case, Serial No. 09/363,713. In accordance with 37 C.F.R. § 1.98(d), the references previously cited or submitted in that case are not required to be included with the submission. As such, Applicant respectfully requests that the Examiner consider those references.

Paragraph 2 of the Office Action rejects claims 1-13 for double-patenting in light of claims 1-13 in Application No. 10/078,058. Applicant requests withdrawal of this rejection because that case is abandoned. Applicant submits herewith a printout of the patent application information retrieval file history for Application No. 10/078,058 and a copy of the Notice of Abandonment, mailed March 12, 2003. As such, the double-patenting rejection should be withdrawn.

Claims 1-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,052,070 (“Kivela”). Applicant respectfully traverses this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of independent claims 1 and 7 not present in the cited reference is the first and second buttons being a single unit. Applicant claims a character inputting method and apparatus having a first and second button, each capable of being pressed and individually shifted towards and away from each other wherein the first and second buttons are a single unit.

In contrast, buttons 33 and 34 disclosed in Kivela, reproduced below, are not a single unit but two independent structures. Additionally, button 32 is unlike Applicant’s claimed inputting means as the up and down arrows cannot be individually shifted towards and away from each other. As such, the buttons 32, 33, and 34 do not anticipate the input means explicitly recited in Applicant’s claim.

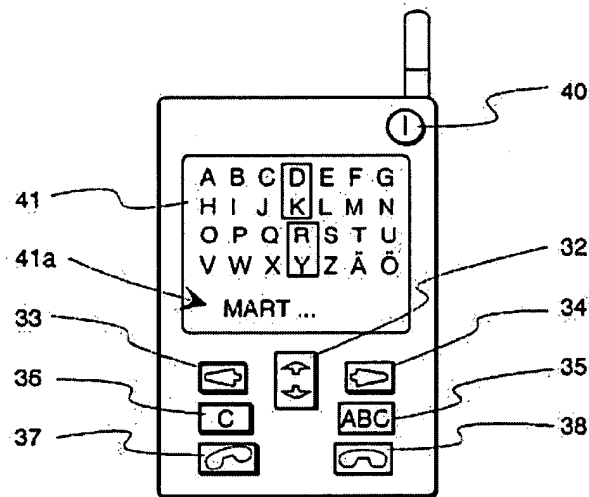


Fig. 3

Claims 2-6 depend from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by Kivela and are also believed to be directed towards the patentable subject matter. Thus, claims 2-6 should also be allowed.

Claims 8-13 depend from, and contain all the limitations of claim 7. These dependent claims also recite additional limitations which, in combination with the limitations of claim 7, are neither disclosed nor suggested by Kivela and are also believed to be directed towards the patentable subject matter. Thus, claims 8-13 should also be allowed.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

By 

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